

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALLSTATE INSURANCE COMPANY,) CIVIL NO. 09-00217 SOM-KSC
an Illinois Corporation,)
Plaintiff,) FINDINGS AND
vs.) RECOMMENDATION TO DENY
RICHARD D. LEONG,) WITHOUT PREJUDICE
individually and as trustee) DEFENDANTS' MOTION FOR
of the Richard D. Leong) ATTORNEY'S FEES AND COSTS
Revocable Trust, and)
ELEANOR LEONG, individually)
and as trustee of the)
Eleanor Leong Revocable)
Trust,)
Defendants.)
)

FINDINGS AND RECOMMENDATION TO DENY WITHOUT PREJUDICE
DEFENDANTS' MOTION FOR ATTORNEY'S FEES AND COSTS

On May 20, 2010, Defendants Richard D. Leong and Eleanor Leong filed a Motion for Attorney's Fees and Costs ("Motion"). Pursuant to Local Rule 7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawaii ("Local Rules"), the Court finds this matter suitable for disposition without a hearing.

Defendants move for an award of attorneys' fees and costs pursuant to Rule 54(d) of the Federal Rules

of Civil Procedure ("Rules"), Local Rule 54.3, and Hawaii Revised Statutes §§ 431:10-242, 607-14, and 632-3. After reviewing Defendants' Motion and the supporting submissions, the Court finds that Defendants have not complied with the requirements set forth in Local Rules 54.2 and 54.3.

In particular, Defendants' memorandum in support of the Motion does not itemize the work performed, nor describe the services rendered. Local Rule 54.3(d) provides that the memorandum in support shall set forth, among other things, "a description of the work performed by each attorney and paralegal, broken down by hours or fractions thereof expended on each task . . . [and] a listing, in sufficient detail to enable the court to rule on the reasonableness of the request, of any expenditures for which reimbursement is sought." Local Rule 54.3(d). Moreover, defense counsel has not provided information such as his customary fee for like work and the customary fee for like work prevailing in the community. Id.; see also id. 54.3(e). Finally,

Defendants have failed to support their request for costs. Local Rule 54.3(d)(3); id. 54.2(c). In view of the deficiencies identified above, the Court recommends that the Motion be denied.

If Defendants elect to refile their Motion, they must comply with all applicable Rules. Failure to do so may result in a recommendation to deny the motion with prejudice. Local Rule 54.3(g).

CONCLUSION

Based on the foregoing, the Court HEREBY FINDS AND RECOMMENDS that the district court DENY Defendants' Motion without prejudice.

IT IS SO FOUND AND RECOMMENDED.

Dated: Honolulu, Hawaii, June 3, 2010.




Kevin S.C. Chang
United States Magistrate Judge

CIVIL NO. 09-00217 SOM-KSC; ALLSTATE INSURANCE COMPANY V. LEONG, et al., FINDINGS AND RECOMMENDATION TO DENY WITHOUT PREJUDICE DEFENDANTS' MOTION FOR ATTORNEY'S FEES AND COSTS